

**REMARKS**

Claims 1-37 are pending. By this Amendment, Claims 3, 8-9, 28 and 30 are amended, and new Claims 31-37 are added.

In the Office Action, the Examiner rejects Claims 1-6, 13-15, 20, 21, 23, 24, 29, and 30 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2004/0116119 to Lewis, *et al.* (Lewis). This rejection is respectfully traversed.

In an exemplary embodiment of the invention variously encompassed by the claims, network appliances are updated using a “push alert”, “pull update” technique where an update server determines whether an update applies to specific network appliances. If yes, then the update server pushes an Urgent Update Notification (UUN) message to the network appliances. In response, the network appliances individually initiate contact with the update server to download and then install the update on the respective network appliance.

The claimed invention provides advantages and can reduce the vulnerability of the network appliances to attack from computer viruses and other malicious software in several advantageous ways. For example, the claimed invention is advantageously compatible with firewalls that protect local networks (such as enterprise networks) and network appliances within the local networks by disallowing connections to an arbitrary port that are initiated from outside the local network, and does not require reconfiguring of such firewalls to provide static holes through the firewalls for the updates. The claimed invention also advantageously allows the network appliances to initiate contact with known, trustworthy sources to download updates, instead of requiring the network appliances to verify the source and content of an unsolicited update. In addition, the claimed invention advantageously allows more timely updates than a pure “pull” system, since the network appliances can be prompted to acquire updates as they become available or desirable, instead of (or in addition to) the network appliances waiting until a time interval expires and then checking for and pulling updates.

In contrast, Lewis appears to only disclose different ways to push data items from a host system. See, e.g., numbered paragraphs 0006-0011. Furthermore, Lewis apparently requires that the firewalls that protect recipients of the pushed data items, be reconfigured to provide static holes in the firewalls so that the data items can be pushed through. See, e.g., Lewis at numbered paragraph 0075, for example in the right upper quadrant of page 7.

In particular with respect to independent Claims 1, 13, 21 and 29-30, The Examiner asserts that numbered paragraphs 0005, 0013, 0031 and 0075 disclose a) creating an urgent update notification (UUN), sending the urgent update notification (UUN) to the network appliances, and providing the urgent update to the network appliances (Claim 1); b) in response to determining that a message includes an urgent update notification (UUN), establishing a connection with a server and obtaining the urgent update (Claim 13); c) an update server configured to send an urgent update notification (UUN) to each network appliance, and a network appliance configured to receive an UUN and obtain the urgent update(s) from the update server (Claim 21); d) means for creating an UUN associated with an urgent update, means for sending the UUN to network appliances as messages, and means for providing the urgent update to the network appliances (Claim 29); and e) means for determining when a received message includes an UUN associated with an urgent update, means for establishing a connection with a server in response to a determination that the message includes an UUN associated with an urgent update, and means for obtaining the urgent update from the server (Claim 30). These assertions are respectfully traversed.

Numbered paragraph 0005 discloses that a user can “pull” data items from a host system. This paragraph further indicates this “pull” system does not alert the user of data items to be pulled. In particular, it states that “ Shortly thereafter a new message could be sent to the user, but the user would not receive that message until the next time the user fetches the user data items. Thus, a user may fail to respond to an emergency update or message because the user only periodically synchronizes the system, such as once per day.” Accordingly, this paragraph fails to disclose or suggest the concept of a UUN, in particular of a UUN being generated and sent or pushed to a user,

and the user responding to the UUN by pulling an urgent update associated with or indicated by the UUN.

Numbered paragraph 0013 discloses a host system that can push data items to a mobile device through a routing system preferably by repackaging the user's data items for transparent delivery through the routing system to the mobile device. This paragraph further discloses that different data items can be pushed, for example E-mail messages, journal entries, database updates, audio files, and Java programs. However, this paragraph does not disclose or suggest the concept of a UUN, in particular of a UUN being generated and sent or pushed to a user, and the user responding to the UUN by pulling an urgent update associated with or indicated by the UUN.

Numbered paragraph 0031 discloses system elements to implement or support pushing data to a mobile device ("mobile device 24"), discloses messages (e.g. "message A") sent internally within a local area network ("LAN 14") that is part of a host system (host system 28), and discloses messages (e.g. "message C") sent from a mobile device external to the local area network. This paragraph also discloses that the message C can be a command message from the mobile device 24 to the host system 28. However, this paragraph does not disclose or suggest the concept of a UUN, in particular of a UUN being generated and sent or pushed to a user, and the user responding to the UUN by pulling an urgent update associated with or indicated by the UUN.

Numbered paragraph 0075 discloses transferring a data item (e.g. "data item A"), repackaged in an outer envelope (e.g., "envelope B") from an Application Service Provider (e.g. "ASP 104") to a mobile device (e.g. "mobile device 24") through a router (e.g. "wireless router 20") that has a firewall. This paragraph further discloses that only "authorized host systems can exchange data with mobile devices 24", and appears to disclose that the firewall of the router 20 is configured with holes for communications between the authorized host systems and the mobile devices through the firewall. (See, e.g., mention of "one skilled in the art of firewall configuration"). In other words, per Lewis's teachings each host system has its own hole through the router's firewall. Accordingly, numbered paragraph 0075 does not disclose or suggest the concept of a UUN, in particular of a

UUN being generated and sent or pushed to a user, and the user responding to the UUN by pulling an urgent update associated with or indicated by the UUN.

Accordingly, for at least the above reasons, Lewis as applied by the Examiner fails to disclose or suggest creating an urgent update notification (UUN), sending the urgent update notification (UUN) to the network appliances, and providing the urgent update to the network appliances, as recited in Claim 1. Lewis as applied by the Examiner likewise fails to disclose or suggest, in response to determining that a message includes an urgent update notification (UUN), establishing a connection with a server and obtaining the urgent update as recited in Claim 13. Lewis as applied by the Examiner likewise fails to disclose or suggest an update server configured to send an urgent update notification (UUN) to each network appliance, and a network appliance configured to receive an UUN and obtain the urgent update(s) from the update server, as recited in Claim 21. Lewis as applied by the Examiner likewise fails to disclose or suggest means for creating an UUN associated with an urgent update, means for sending the UUN to network appliances as messages, and means for providing the urgent update to the network appliances, as recited in Claim 29. Lewis as applied by the Examiner likewise fails to disclose or suggest means for determining when a received message includes an UUN associated with an urgent update, means for establishing a connection with a server in response to a determination that the message includes an UUN associated with an urgent update, and means for obtaining the urgent update from the server, as recited in Claim 30. For at least the same reasons, Lewis as applied further fails to disclose or suggest new Claims 31 and 35, and dependent Claims 32-34 and 36-37.

Withdrawal of the rejection of Claims 1-6, 13-15, 20, 21, 23, 24, 29, and 30 under 35 U.S.C. §102(b) over Lewis is respectfully requested.

In the Office Action, the Examiner rejects Claims 7-11, 16-19, 22, and 24-28 under 35 U.S.C. §103(a) over Lewis, in view of U.S. Patent Application Publication No. 2005/0203673 to El-Hajj, *et al.* (El-Hajj). This rejection is respectfully traversed.

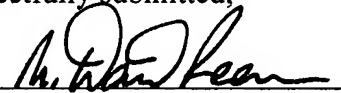
El-Hajj fails to overcome the deficiencies of Lewis described above with respect to the allowable independent claims, from which Claims 7-11, 16-19, 22, and 24-28 variously depend. For at least this reason, Claims 7-11, 16-19, 22, and 24-28 are likewise allowable. Withdrawal of the rejection of Claims 7-11, 16-19, 22, and 24-28 under 35 U.S.C. §103(a) over Lewis in view of El-Hajj is respectfully requested.

Applicants respectfully submit that the application is in condition for allowance. Favorable consideration on the merits and prompt allowance are respectfully requested. In the event any questions arise regarding this communication or the application in general, the Examiner is invited to contact Applicants' undersigned representative at 1.206.262.8900.

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Respectfully submitted,

By



M. David Ream

Registration No.: 35,333

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(206) 262-8900

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant